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1632

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PTO/SB/21 (05-03)

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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/040,315	
	Filing Date	October 29, 2001	
	First Named Inventor	FARESE JR., ROBERT V.	
	Group Art Unit	1632	
	Examiner Name	BERTOGLIO, VALERIE E.	
Total Number of Pages in This Submission	3	Attorney Docket Number	UCAL-105CIP2
<b>ENCLOSURES (check all that apply)</b>			
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Documents <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 1) Response to Restriction Requirement (2 pgs.) 2) Return Postcard	Remarks
<b>SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT</b>			
Signing Attorney/Agent (Reg. No.)	PAULA A. BORDEN, 42,344 BOZICEVIC, FIELD & FRANCIS LLP		
Signature			
Date	January 20, 2004		

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**RESPONSE TO RESTRICTION  
REQUIREMENT**

Address to:  
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Attorney Docket  
(Confirmation No.) UCAL105CIP2  
1732

First Named Inventor R.V. Farese, Jr.

Application Number 10/040,315

Filing Date October 29, 2001

Group Art Unit 1632

Examiner Name V.E. Bertoglio

Title: *Diacylglycerol O-acyltransferase*

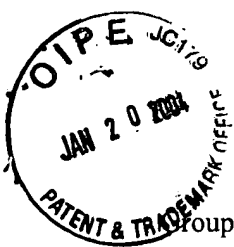
Sir:

This is in response to the Restriction Requirement dated December 17, 2003. The Restriction Requirement set forth a one-month time period for response, making a response due on or before **January 17, 2004**. January 17, 2004 fell on a Saturday; and January 19, 2004 was a U.S. federal holiday. This response is being filed on January 20, 2004, the next business day. Accordingly, this response is timely filed.

**I. REMARKS**

In the Restriction Requirement, the Examiner required election of one of the following groups of claims:

- Group I: Claims 1-9 and 20-23, drawn to a non-human animal characterized by having a knockout allele of the naturally occurring, endogenous DGAT gene and a method of using an animal to test a candidate agent for DGAT function modulatory activity;
- Group II: Claims 10-14 and 19, drawn to cells in vitro and an in vitro cellular assay for screening candidate agents for modulatory activity of DGAT function using said cells;
- Group III: Claim 19 drawn to a cell free assay for screening candidate agents for modulatory activity of DGAT function;
- Group IV: Claim 26, drawn to an in vitro, cellular assay for screening candidate agents for modulatory activity of DGAT expression;
- Group V: Claim 26, drawn to an in vitro, cellular assay for screening candidate agents for modulatory activity of DGAT expression; and



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Group VI: Claim 27, drawn to an in vivo assay for screening candidate agents for modulatory activity of DGAT expression.

Applicants hereby elect to prosecute the claims of Group II (claims 10-14 and 19), with traverse. Applicants expressly reserve the right under 35 USC §121 to file one or more divisional applications directed to the non-elected subject matter during the pendency of this application.

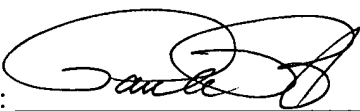
This election is made with traverse. As stated in the MPEP §803, if search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions. It is Applicants' position that it would not be unduly burdensome to perform a search on claims 1-29 together. Accordingly, Applicants traverse the restriction requirement.

## II. CONCLUSION

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 and 1.17 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 50-0815, order number UCAL105CIP2.

Respectfully submitted,  
BOZICEVIC, FIELD & FRANCIS LLP

Date: Jan. 20, 2004

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